

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

GLENN SAITO, BARRY LAI, MYRON)	Civil Action Nos. 3:17-cv-00693 and 3:17-cv-01138
NAKATA, ROBERT FUJIKAWA, ARTHUR)	
B. TOLENTINO, RICK PAULINO, JEANINE)	STIPULATED NOTICE OF VOLUNTARY
LUM, PAUL FUJINAGA, BLAKE)	DISMISSAL AND ORDER
PARSONS, ROGER T. NAGATA and)	
ALDON KAOPUIKI as TRUSTEES of the)	
HAWAII SHEET METAL WORKERS)	
PENSION FUND, Derivatively on Behalf of)	
DOLLAR GENERAL CORPORATION,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
TODD VASOS, et al.,)	
)	
Defendants,)	
)	
– and –)	
)	
DOLLAR GENERAL CORPORATION, a)	
Tennessee corporation,)	
)	
Nominal Defendant.)	
)	
)	

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

WHEREAS, on April 10, 2017, plaintiff Robert Andersen filed a shareholder derivative action on behalf of Dollar General Corporation under the caption *Andersen v. Vasos, et al.*, No. 3:17-cv-00693, in the United States District Court for the Middle District of Tennessee;

WHEREAS, on August 10, 2017, plaintiff Hawaii Sheet Metal Workers' Pension Fund (the "Hawaii Sheet Metal Workers") filed a shareholder derivative action on behalf of Dollar General Corporation under the caption, *Saito, et al. v. Vasos, et al.*, No. 3:17-cv-01138 in the United States District Court for the Middle District of Tennessee;

WHEREAS, on October 6, 2017, given the substantial factual and legal overlap of the two complaints, this Court ordered that the related Hawaii Sheet Metal Workers and Andersen complaints be consolidated for all purposes but stayed the actions in favor of a related securities class action captioned *Iron Workers Local Union No. 405 Annuity Fund v. Dollar Gen. Corp., et al.*, No. 3:17-cv-00063 (M.D. Tenn.) ("*Iron Workers Action*");

WHEREAS, on March 8, 2018, this Court dismissed the *Iron Workers Action*;

WHEREAS, the plaintiffs in the *Iron Workers Action* did not amend their complaint and did not file a notice of appeal;

WHEREAS, in light of the Court's March 8, 2018 Order in the *Iron Workers Action*, plaintiffs Hawaii Sheet Metal Workers and Andersen, through their counsel of record and pursuant to Fed. R. Civ. P. 23.1 and 41(a), hereby voluntarily dismiss the *Saito, et al. v. Vasos, et al.*, No. 3:17-cv-01138 and *Andersen v. Vasos, et al.*, No. 3:17-cv-0693 actions;

WHEREAS, defendants consent to the voluntary dismiss of both actions without prejudice;

WHEREAS, the parties and their respective counsel agree that they have complied with Fed. R. Civ. P. 11 and will each bear their own fees and costs; and

WHEREAS, neither plaintiffs Hawaii Sheet Metal Workers and Andersen nor their counsel have or will receive any consideration for this dismissal.

THEREFORE, IT IS STIPULATED AGREED between the parties that the above-referenced actions are dismissed without prejudice.

DATED: April 25, 2018

ROBBINS GELLER RUDMAN
& DOWD LLP
DARREN J. ROBBINS
TRAVIS E. DOWNS III
BENNY C. GOODMAN III
ERIK W. LUEDEKE

s/ Benny C. Goodman III
BENNY C. GOODMAN III

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
darrenr@rgrdlaw.com
travisd@rgrdlaw.com
bennyg@rgrdlaw.com
eluedeke@rgrdlaw.com

ROBBINS GELLER RUDMAN
& DOWD LLP
CHRISTOPHER M. WOOD, #032977
414 Union Street, Suite 900
Nashville, TN 37219
Telephone: 615/244-2203
615/252-3798 (fax)
cwood@rgrdlaw.com

Attorneys for Plaintiffs

DATED: April 25, 2018

PROMISLOFF LAW, P.C.
DAVID PROMISLOFF

s/ David Promisloff
DAVID PROMISLOFF

5 Great Valley Parkway, Suite 210
Malvern, PA 19355
Telephone: 215/259-5156
215/600-2642 (fax)

SUTHERLAND LAW OFFICE
DEVON J. SUTHERLAND
700 E. Main Street, #20
Hendersonville, TN 37075
Telephone: 615/824-7059

LAW OFFICE OF ALFRED G. YATES, JR. P.C.
ALFRED G. YATES, JR.
GERALD L. RUTLEDGE
519 Allegheny Building
429 Forbes Avenue
Pittsburgh, PA 15219
Telephone: 412/391-5164

Attorneys for Robert Andersen

DATED: April 25, 2018

RILEY WARNOCK & JACOBSON, PLC
STEVEN A. RILEY

s/ Steven A. Riley
STEVEN A. RILEY

1906 West End Avenue
Nashville, TN 37203
Telephone: 615/3203700
615/320-3737 (fax)

SIMPSON THACHER & BARTLETT LLP
PETER E. KAZANOFF
425 Lexington Avenue
New York, NY 10017
(212) 455-2000

Attorneys for Individual Defendants Todd Vasos,
John W. Garratt, Michael M. Calbert, Warren F.
Bryant, Sandra B. Cochran, Patricia D. Fili-
Krushel, Paula A. Price, William C. Rhodes III and
David B. Rickard and Nominal Defendant Dollar
General Corporation

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April 26, 2018 s/ Jack Zouhary
THE HONORABLE JACK ZOUHARY
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on April 25, 2018, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 25, 2018.

s/ Benny C. Goodman III

BENNY C. GOODMAN III

ROBBINS GELLER RUDMAN
& DOWD LLP

655 West Broadway, Suite 1900

San Diego, CA 92101-8498

Telephone: 619/231-1058

619/231-7423 (fax)

E-mail: bennyg@rgrdlaw.com

Mailing Information for a Case 3:17-cv-01138 Saito et al v. Vasos et al

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Travis E. Downs III**
travisd@rgrdlaw.com
- **Benny C. Goodman , III**
bennyg@rgrdlaw.com,spatel@rgrdlaw.com,TravisD@rgrdlaw.com
- **Erik W. Luedeke**
eluedeke@rgrdlaw.com
- **Milton S. McGee , III**
tmcgee@rwjplc.com,dgibby@rwjplc.com
- **Steven Allen Riley**
sriley@rwjplc.com,dgibby@rwjplc.com
- **Darren J. Robbins**
darrenr@rgrdlaw.com,e_file_sd@rgrdlaw.com
- **Christopher M. Wood**
cwood@rgrdlaw.com,ptiffith@rgrdlaw.com,e_file_sd@rgrdlaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)